

amendment will not be offered. At least, that is what the Chair has been informed. Any Delegate desire to speak in favor of the recommendation?

Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Chairman and ladies and gentlemen of the house: I should like to share with the Committee of the Whole a story of an early 19th century Maryland lottery which involved the authorization in 1804 by the General Assembly for a lottery, the purpose of which was to use the proceeds to commence the construction of what is now the oldest capital cathedral in North America. After the lottery tickets were duly sold and the drawing was held, it was announced that the winner of the lottery was the Archbishop of Baltimore, John Carroll and that is a very effective way of running a lottery, I might say. I rise simply to say this. I do not think that this is an issue that we ought to get overcharged about or to emote a great deal about, but my thinking about the matter has changed somewhat over the past few months and I do think the tendency of public officials to lead people down the garden path to believe that the fiscal panacea is the lottery, is one to which we ought to give some consideration. I believe the last refuge of those who would delude the people that they do not have to pay their fair share of the taxes is the argument that we should have a lottery. I think it has been disproved here in the United States. It is not the kind of thing that we ought to let Maryland run headlong into. I think it is the kind of decision that ought to be made soberly and upon reflection and I think with the rise in taxes and the tendency of the people to look for an easy way that this is too attractive. I submit that in reality we ought to put this prohibition in the Constitution because it does mean that it could be accomplished through a constitutional amendment, but it would also mean that it would be done after considerable reflection, thought and debate.

Now, I want to make this perfectly clear. I do not care how the Court of Appeals should decide the question of whether or not a bingo is a lottery and for my own part, it would make no difference whatsoever if the prohibition against the lottery should be extended to include bingo. I think the magnitude of the issue is far greater than whether or not a church or a fire department can use bingo to raise money. I do not think anybody came down here with a mandate from their fire department or from their church to save bingo

and because of that, I am perfectly willing to say that I support this Majority Report. I intended to vote for it and I ask those similarly situated to consider doing likewise.

THE CHAIRMAN: Any other delegate desire to speak in opposition?

Delegate Hardwicke.

DELEGATE HARDWICKE: Mr. Chairman, I noted in the preliminary material prepared by the Constitutional Convention Commission that the following relates to testimony before the Committee that was considering the lottery on August 15, 1966 and I would like to read excerpts from that testimony, if I may.

The Committee took testimony on the lottery question on August 15, 1966. It invited Mr. Hyman Pressman, Comptroller of the City of Baltimore and others.

The Committee also received a written communication from Francis X. Gallagher, Counsel for the Roman Catholic Diocese in Maryland. Mr. Gallagher expressed no opinion on merits but said it was the type of thing that should be left to the state legislature. I would assume that since then Delegate Gallagher has changed his mind. It seems to me that a vote for the Committee Recommendation requires a great deal of knowledge about lotteries and that members of this Convention have not had access to knowledge one way or the other.

The question before us really is do we, forever, prohibit lotteries in this State with a constitutional ban. To make the decision to prohibit lotteries requires evidence, testimony and it is a controversial question and I am not prepared to say whether they are good or bad, but I say we do not have the evidence before us to make the prohibition. It seems to me that this is strictly a legislative matter. It requires witnesses, it is controversial and by taking it out of the constitution, you leave it for legislative determination. It is not the apparent kind of evil obvious on the face of it, a per se evil which should be banned by the constitution. I urge you, therefore, to leave this constitution silent on the subject and let the legislature consider it from time to time. After all, if you vote to keep the ban in the constitution, you are making a decision which we are not qualified to make. By leaving it out of the constitution, you permit the legislature to do it with evidence and testimony.

THE CHAIRMAN: Does any other delegate desire to speak in favor?